

7:08 p.m. meeting opened. The Hall, 2<sup>nd</sup> floor, Memorial Hall Library, Elm Square.

Present were: Anderson, Jeton, McDonough, Baime, Brown

Petition No: 3789

Petitioner: RK Trust

Premises Affected: 7 Connector Road

Present were: Anderson, Jeton, McDonough, Baime, Brown

Gene Sullivan, engineer, represented the petitioner's request for a variance from section 3.3.4 &/or and extension of Decision #3686. The lot is located in the IA district. The proposed addition would not meet the side setback. They have been working with Conservation Commission and need more time. They request a six-month extension. Brown asked about the plot plan dated 8/6/07 because the decision refers to a plan dated 2/1/07, revised on the 12<sup>th</sup>. He asked if the corner of the addition was changed to an angle. Sullivan stated that the addition was decreased in size, but the angled corner has to do with Conservation setbacks. McDonough made a motion to close the hearing. Brown seconded the motion & the Board voted (5-0) to close the hearing. Brown made a motion to approve a 6-month extension of the variance. McDonough seconded the motion & the Board voted (5-0) to grant the extension. Brown will write the decision.

Petition No: 3791

Petitioner: Andover Federal Credit Union

Premises Affected: 57 River Road

Present were: Anderson, Jeton, McDonough, Baime, Brown, Ranalli

Attorney Peter Caruso, Sr. represented the petitioner's request for a special permit under section 3.1.3.C.5 to operate a limited service bank branch within the vocational school for educational purposes. The property is located in the ID District. Caruso noted that the by law allows banks by special permit in the ID District & that this is an opportunity for students to work in and learn about banking. They have a 3-yr. Lease agreement with the option to continue. It will be open only during school hours. McDonough asked if an ATM would be located on site. Jerry Silverman, Andover representative for the vocational school, stated that there will be and available for use only when the school branch is open. The ATM would be located within the school branch office. The only signage would be within the school building. Caruso added that the operational agreement might ask for signs on the outside of the building. It is open to members only. Jeton reminded the Board of the precedent of having businesses in the school (hair salon, restaurant). These businesses are open to the public. Anderson suggested that a special permit be co terminus with the lease and all extensions. Caruso agreed. The initial 3-year lease expires if not renewed, and then it automatically renews annually. McDonough made a motion to close the public hearing. Jeton seconded the motion. The Board voted (6-0) to close the hearing. Ranalli sat off the hearing. McDonough made a motion to approve the special permit. Baime seconded the motion. Anderson asked if they wanted to impose any conditions, i.e. that the special permit will sunset when the lease expires. Brown suggested the condition that the special permit will expire when the lease terminates. The Board voted (5-0) to approve the special permit with condition. Baime will write the decision.

Petition No: 3786

Petitioner: Metro PCS, LLC

Premises Affected: 23 Main Street

Present were: McDonough (Chair), Jeton, Ranalli (Clerk), Baime, Brown

McDonough disclosed her unfunded research for the wireless industry. No one opposed her participation in the public hearing. Attorney Peter Morin agreed to have her chair. Also present for the petitioner were Bill McQuade, site acquisition representative, and Franz Pierre, RF engineer. They submitted revised plans dated

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6/2/08 with the equipment in the basement, rather than originally shown on the roof. McQuade explained that there are three other carriers already on the roof, thus this is a collocation. Franz Pierre showed a coverage map of Metro PCS's approved antennas + the coverage gaps they wish to close with the proposed location. No one from the Board or the public had further question or comment. Jeton made a motion to close the hearing. Baime seconded the motion & the Board voted (5-0) to close the hearing. Brown noted that it meets the requirements and made a motion to approve with the condition that the equipment shelter be located in the basement as proposed. The Board voted (5-0) to approve. Jeton will write the decision (based on the draft Attorney Morin offered to submit).

Petition No: 3787

Petitioner: Metro PCS, LLC

Premises Affected: 173R Haggetts Pond Road

Present were: Jeton, McDonough, Baime, Brown, Ranalli

Attorney Peter Morin represented the request to collocate six panel antennas on an existing tower at 137' height with associated ground equipment. The tower is located in the SRC District and the overall tower height is 240' with multiple carriers already on it. Baime asked if the tower collapses in onto itself. Morin explained that it is not, but that it is guy wired to the ground. Baime made a motion to close the hearing. Jeton seconded the motion & the Board voted (5-0) to close the hearing. Brown made a motion to approve a special permit. The Board voted (5-0) to grant a special permit. Morin offered to draft the decision.

Petition No: 3790

Petitioner: Metro PCS, LLC

Premises Affected: 146 Dascomb Road

Present were: Jeton, McDonough, Baime, Brown, Ranalli

Attorney Peter Morin represented the request to collocate six panel antennas on an existing tower at 70' height with associated ground equipment. The tower is located in the ID District and the overall tower height is 120', built in 1997, with multiple carriers already on it. Jeton asked if the proposed antenna height is the lowest. Morin explained that it is the last and lowest spot on the tower. Ranalli made a motion to close the public hearing. Baime seconded the motion & the Board voted (5-0) to close the hearing. The Board voted (5-0) to grant a special permit. Morin offered to draft the decision.

Petition No: 3788

Petitioner: Andover Donuts

Premises Affected: 93 Main Street

Present were: Anderson, Jeton, McDonough, Baime, Brown, Ranalli

Attorney Mark Johnson represented the petitioners' request to renew a special permit issued 5 years ago with the condition that it be renewed in 5 years. They are also seeking to remove this condition (#10) for renewal. The Board discussed why the time renewal was imposed. Anderson pointed out the two conditions – either time limit or change in ownership with the possibility to extend it. He added that it's like probation to see if they'll 'behave' as responsible business owners. Bill Reinhardt, VP of Operations, & Frank Pino, owner, explained that they've dealt with all complaints related to the business directly. No one from the public appeared at the hearing. Reinhardt suggested this is indicative of 'good behavior'. He added that they have four other locations in Andover with over 20 year franchises. Brown asked if the other locations were under special permit. Only one was, but it has been lifted. Jeton recalled that the initial hearing had public concern, which prompted the 5-year limitation. This type of condition gives

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abutters the benefit of notification & a chance to voice concerns at the public hearing. Anderson suggested two options: 1) deal with it tonight or continue the hearing to find out about the permits/conditions of all restaurants in downtown or 2) 5 year extension + deletion of condition 10. Johnson suggested 5-year extension + check other restaurants, then come back to vote. Anderson asked for partial closure of the public hearing for an extension. McDonough made a motion to partially close the public hearing in order to vote on the extension. Baime seconded the motion & the Board voted (5-0) to partially close the public hearing to vote on the extension. McDonough made a motion to extend the special permit for 5 years. Jeton seconded the motion & the Board voted (5-0) to extend the special permit for 5 years.

Petition No: 3785

Petitioner: Exxon Mobil

Premises Affected: 139 River Rd

Present were: Anderson, Jeton, McDonough, Baime, Brown, Ranalli

Attorney Mark Johnson represented the petitioners' request to continue the hearing to 7/10/08 meeting. McDonough made a motion to continue the hearing to 7/10/08. Ranalli seconded the motion & the Board voted unanimously to continue the hearing to 7/10/08.

Petition No: 3744

Petitioner: Northfield Commons

Premises Affected: 69 North St, 5 + 7 Webster St

Present were: Anderson, Jeton, McDonough, Brown, Ranalli

There was a request to continue the hearing to 7/10/08. Brown made a motion to continue the hearing to 7/10/08. Ranalli seconded the motion & the Board voted (5-0) to continue the hearing to 7/10/08.

Jeton made a motion to approve the minutes of 1/10/08 (regular & executive), 2/21/08, & 3/6/08 (executive). Ranalli seconded the motion & the Board voted unanimously to approve the aforementioned minutes.

The meeting adjourned at 8:03 p.m.